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The Advocate

FORDHAM LAW SCHOOL

VOLUME 21 NUMBER 3

THE ADVOCATE

FEBRUARY 1989

NO CIVIL AND HUMAN RIGHTS?

BY JACQUELINE BARONIAN

What do Fordham Law School and Iran have in common? The words "Human Rights" are conspicuously absent from their lexicons. There are no human rights courses and only one civil rights seminar offered this school year.

According to some faculty and administrators, Fordham students have little interest in these subjects. However, students have admitted (without the use of torture) that they would like Fordham to offer a greater selection of human and civil rights courses.

Dean Reilly pointed to small enrollment in civil rights courses and asserted that Fordham caters to student interest, which, among evening students in particular, is corporate law. "Like all schools, Fordham has specialties- corporate law and EEC law," he said.

Constitutional law Professor Kaczorowski echoed Dean Reilly's viewpoint, stating that "Fordham students are bar conscious and will primarily take bar courses." However, he believes that students would benefit substantially from human and civil rights courses since, "they raise the intellectual interest to a greater degree than subject matter of a course in private law."

Some students would like to take more human rights courses and find that Fordham's course enrollment is an inadequate means

of determining interest in the area. One reason public interest courses have small enrollment is that they conflict with each other. Last year two public interest courses, a civil rights seminar and a Supreme Court practice seminar met at the same time. According to third year student Martha Appelbaum, "civil rights courses are usually at night and many commuters don't want to take evening classes." She also noted that it is difficult choosing between bar exam courses and civil rights courses, which often conflict.

Tom Linguanti, a fourth year law student, took a civil rights seminar last year and said it had a large enrollment with 30 students from all segments of the political spectrum. He would like Fordham to have offered more civil rights courses. Mr. Linguanti said that "Fordham is a professional school as opposed to a school to train to fight for the profession." He regrets that there is not enough focus on the rights of humanity.

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END THE WITCH HUNT AGAINST POT SMOKERS

BY ALAN DERSHOWITZ

Several weeks ago I debated a representative of the Reagan-Bush administration on the issue of drugs. The representative was the U.S. Attorney for the District of Massachusetts-the federal government's chief lawyer and prosecutor for that state.

I favored the medicalization of heroin for mainline addicts, the decriminalization of marijuana use, and further study of our policy toward cocaine and crack. The U.S. attorney, echoing the administration's line, favored tougher law enforcement, capital punishment and "just say no."

During the course of the debate, I issued the following challenge to the U.S. attorney: "We don't have the stomach to imprison the user, although we hear the rhetoric of full enforcement, because, let me tell you, if you want to put all the users in jail, we'd be criminalizing and felonizing a very substantial percentage of otherwise law-abiding American citizens. And we're not prepared to do that."

The U.S. attorney accepted my challenge forthrightly: "I don't think it is the case that we don't have the stomach. Our office has gone after users. We will continue to go after users. We are now at the point where we have to go after the user, and we are doing that."

Recently, this very U.S. attorney-

ney- Frank McNamara- publicly acknowledged in Boston newspapers that he himself had used marijuana within the past four years.

His admission grew out of an episode in which he said he saw his predecessor as U.S. attorney, William Weld, smoking marijuana at a wedding party they had both attended.

Weld denied the charges, and an investigation by the Justice Department completely vindicated Weld's denial. It found "overwhelming evidence" to rebut McNamara's charges. But in the course of the investigation, McNamara was asked how he was so certain it was marijuana Weld was smoking. McNamara responded that he knew the smell because he himself "had used marijuana in college." The Justice Department report said that "McNamara subsequently told the FBI that he had used marijuana as recently as four years ago, though not while U.S. attorney."

If McNamara used the drug in the United States within the past five years (the statute of limitations), he would be subject to criminal prosecution under federal law. And would disqualify him from working in his own office as an assistant U.S. attorney, since prospective prosecutors are asked about marijuana use and are warned that an admission of post-college

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The Advocate

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The Advocate is the official newspaper of Fordham Law School, published by the students of the school. The purpose of the Advocate is to report news concerning the Fordham Law School Community and developments in the legal profession, and to provide students with a medium for communication and expression of opinion.

MARK McENROE

Editor In Chief

STAFF

JACQUELINE BARONIAN

EDITORIAL

It has been said that university life can foster an atmosphere of isolation and a lack of contact with the real world for many of its students. It is somewhat hard to believe that this type of detachment could exist at a Fordham Law School. Situated in the middle of New York City, made up entirely of commuters who must daily face the rigors of life in the big city, Fordham would seem an unlikely place for people not to be well grounded in the cultural and social climate of their surroundings.

Yet perhaps because law school is so demanding, requiring as it does a tight and narrow focus on a single goal, it is possible to be so caught up that one does not see what to many is very obvious. The question of race is one which arises infrequently to most students in this school. In spite of newspaper headlines and television news sto-

ries which tell of incidents of racial violence and inequality, life at Fordham goes along uninterrupted. The outside world intrudes upon our existence only to tell of jobs—big firms paying big money, or jobs in the public paying no money.

When the October issue of the Advocate was published, there was a strong reaction to an article which, to many, unfairly characterized blacks by reinforcing a negative stereotype. Though the article in question was a humorous (or at least tried to be) satire, there was a loud outcry. A letter was drafted and signed by a significant number of students and faculty; meetings and discussions with students, faculty and the administration were held. I, as editor of the Advocate, read the letter and went into these meetings with a certain amount of

In the October issue of the Advocate, an article appeared which contained certain inappropriate characterizations. In the "Letter to Mr. X", there appeared two references which caused many members of the Fordham community a great deal of consternation and dismay.

Although the article was a satirical piece which sought to amuse rather than offend, there is now no question that it was ill-conceived. The references which

it contained were both unwarranted and untrue, and the article's appearance in the Advocate was a mistake. But however misplaced this article was, its appearance was not the result of prejudice or racism but rather of a lack of proper understanding and sensitivity.

To all those who were offended by the article, the Advocate would like to extend its sincere apology.

apprehension. I emerged with a better understanding of how things are in this school and in the legal community in general.

There is now no question that the appearance of this article within the pages of the Advocate was a mistake for which we apologize. And though the phrase "race problem" is perhaps too harsh and inflammatory to be used to describe the situation at Fordham, there are certainly issues of serious concern to minority students that are not well-known to the general student population.

There still exist forms of racial discrimination in the hiring practices of firms and companies. There still exists, as the Advocate was an unfortunate recent example of, stereotyping in the media which serves to create and reinforce incorrect ideas and images. This stereotyping has also crept into classrooms and onto exam questions.

Certainly there are many students who are well aware of these problems and are doing what they can to combat them. Yet there are many—perhaps even more—who are not aware that such problems exist here, and to such a degree.

If there is anything positive which is to emerge from this episode, let it at least be that more people become aware that these, and other, problems do exist, and do need to be overcome. I will learn from this experience and use it in the future, specifically in the Advocate, and apply this knowledge to try to make positive, instead of negative statements.

Finally, the entire Fordham community, and student body especially, should be aware that the Advocate exists to be a voice for students, not just the very few who actually publish it. The Advocate is meant to be a forum for the viewpoints of those who wish to express themselves. People should try to take the opportunity to write about and comment upon problems and issues which affect them and the community as a whole.

From here on, let this newspaper, instead of being an example of the problem, be a part of the solution.

Mark McEnroe

Editor in Chief

LETTERS TO THE EDITOR

DEAR EDITOR,

So the returns are in. Four more years of horror are on the way as 27 percent of eligible voters give the nod to George and J. Danforth.

Unfortunately, The Advocate's election coverage was anemic and misguided. First, The Advocate's substantive analysis went no further than adding three exclamation points to "Bush Wins." Second, The Advocate wished the "Best of Luck" [to] MR. PRESIDENT" instead of to those who actually need it—the American people. Third, The Advocate chose to congratulate a man who ran a campaign based on lies and distortions, a campaign based on greed.

The Bush campaign was replete with lies and distortions. George claimed he was against chemical weapons, yet he cast the deciding vote to renew their production. He attacked Massachusetts' former furlough program for an unfortunate incident, yet he ignored similar incidents under the federal and California furlough programs. He wrapped himself in the flag and rekindled McCarthyism as he challenged Dukakis's patriotism for being a "card-carrying member" of the ACLU. He said he was for clean water, yet he opposed the Clean Water Act. He claimed he would be tough on crime, but presumably not if the defendant is named Nofziger, Deaver, Meese, North, or one of the other 100 officials forced to leave the Reagan administration. He alleged he would fight a war on drugs, yet from Noriega's couch he slashed funding for drug enforcement. He pretended he would be tough on terrorists, presumably by overcharging the Ayatollah for arms. (If anything, Bush has been tough on hostages. Hence the lawsuit contemplated by some of the Iran Embassy hostages, alleging that during the 1980 campaign, Bush negotiated for their continued captivity so as to discredit Carter and influence the election).

Bush's world is not only a distorted one, but one based on destructive greed, as well. It's no wonder he wants a "kinder, gentler nation." In the world he has helped create, the gospel of anti-communism fosters brutal racism in South Africa while his contras slaughter innocent Nicaraguans; civil rights legislation is vetoed

while unemployment among blacks runs twice that among whites; the Pentagon's plate is filled while one in five children is condemned to poverty; merger-mania lines the pockets of sharp operators while factories close without warning to their workers; tax breaks are lavished upon the rich while our children's future is mortgaged; women who choose to have an abortion are branded criminals while George is still thinking that one through. The Bush world is a nasty world, indeed.

Inexplicably, The Advocate congratulated someone worthy of excoriation and then compounded its error by haranguing someone they should have thanked—the author of a letter to the editor regarding student apathy and the film Cover-up. Janice Jacobson wrote to express her dismay over the low turnout the film's recent screening received. Since the film provided valuable information necessary to an informed vote, she thought more people would have attended. Ms. Jacobson received swift rebuke as The Advocate disputed her assertions and justified the low turnout. Comfortable in its belief that one week before the election "most voters have already decided for whom they will vote," The Advocate ignored the reality that 25 percent of voters had not. The Advocate then mistakenly dismissed the film as one "which cannot possibly reveal any facts that have not yet been disclosed." (Unlike its own headline "Bush Wins"?)

Unfortunately, the Iranscam details were originally revealed only in drips and drabs, over several months. Even then, not all received full exposure. Never before had the facts surrounding Iranscam been collected and put in perspective as they were in Cover-Up. By denying the existence of apathy and the value of Cover-Up, The Advocate betrayed its eagerness to mirror Bush's twisted vision of America.

If the past election demonstrated anything, it is the ignorance and apathy plaguing the electorate. The film Cover-Up and Ms. Jacobson's letter were necessary steps towards rectifying both. One can only hope The Advocate can do the same and find better uses for its ink than

the toady endorsement of lies and greed.

Joe Vitale
Ron Adelman
Martha Applebaum
Ellen F. Freidman
David Hartheimer
Irene Koch
David Smith
Richard Trostle
Len Wohl
Elliot Zucker

DEAR EDITOR,

We are writing in reaction to two letters printed in the "Letters to Mr. X" section of the October, 1988, Volume 21, No. 1, edition of The Advocate. We are referring to the letters from "Rev. Al." and Chief "Unga Bunga."

We are stating what should be obvious, that both these letters are overtly racist and insulting not only to Blacks both inside and outside Fordham Law School and Fordham Law School in general. By writing these letters, the small mind or minds responsible for them have clearly demonstrated their dislike and disrespect for Blacks by perpetuating negative stereotypes and encouraging the polarization of the Fordham community. By allowing these letters to actually find their way into the pages of your paper, you have not only openly ratified the ignorant and destructive feelings of these writers but have boldly shown your own irresponsibility, insensitivity and disrespect. You have done a great disservice to those people who rely on your paper as a means of keeping informed of the issues facing the Fordham community.

Many of us still hold some hope that there is a place for Blacks within the Fordham community and believe that a measured reaction to this insulting incident may be called for. With that in mind, the undersigned members of the Fordham community demand that you place a conspicuous retraction and apology from you and your staff for the embarrassment, anger and pain caused by your thoughtless act. Also, we demand that The Advocate include in its next edition an article addressing some of the issues uniquely confronting Blacks today.

One can only hope that by researching this article, you and your staff might be marginally sensitized to the plight of Blacks striving to make a place for themselves in an overwhelmingly white, increasingly hostile environment. At the very least, this response will demonstrate your acceptance that what you have done is wrong, insulting to Blacks and ultimately destructive to the entire school.

So, once again Blacks have sought to find a peaceful solution to problems that are increasingly demanding more drastic responses. Please do not disregard this effort on behalf of Blacks.

We remain, unified and determined,

*This letter was signed
by 84 students and faculty members*



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WITCH HUNT

CONTINUED FROM PAGE 1

use will cause their application to be rejected.

In his debate with me, discussing our national permissiveness toward drug use in the 1970s, McNamara invoked the following Biblical metaphor: "We sowed the wind and we are now reaping the whirlwind." He might have been talking about the Reagan-Bush administration's drug policy in general and his own in particular.

Any attempt to prosecute marijuana users will inevitably result in selective enforcement of the law. We cannot and will not prosecute the tens of millions of otherwise law-abiding citizens who partake in the vice of an occasional joint. Prosecutors will have to pick and choose a select few from among many to indict and bring to trial. In a speech last year, McNamara recommended to other law enforcement officials that, in their discretion concerning who to prosecute, they should go after "public figures who use drugs." Highly visible federal prosecutors certainly fit that description.

Currently, every user prosecuted- or turned down for a job in the Justice Department or, indeed, elsewhere-can point to the fact that an admitted user holds one of the highest prosecutorial offices in the nation. We cannot tolerate a double standard under which some users prosecute while others are prosecuted.

The tragic case of Frank McNamara is among the best arguments for decriminalizing the occasional use of marijuana. Judge Douglas Ginesburg has already been denied a Supreme Court appointment because he was caught doing what other judges, prosecutors and lawmakers have also done. Now a U.S. attorney is

facing possible dismissal-or-worse- for his admitted use. Countless others are simply not applying for government jobs out of fear that their past peccadillos will be exposed and their careers ruined.

Let us put an end to this witch hunt, lest we limit governmental employer to liars, hypocrites, octogenarians and the small number of younger people who really never did experiment with drugs-or any other illegal behavior throughout their boring lives.

McNamara's justification for his own drug use is that his "experimentation" had led him to harden his anti-drug position. "That's not hypocrisy", he declared.

But it is hypocrisy for society to allow a prosecutor to arrive at his own views on drugs after experimenting with them, while that same prosecutor-and the administration for which he works-continues to prosecute others for engaging in similar experimentation.

Alan M. Dershowitz is a professor of law at Harvard University.

SBA WANTS YOUR INPUT !

BY DEAN OBEIDALLAH

The SBA has planned many activities in the Fall semester, including our trips to Broadway shows and sporting events. However, we hope to increase our activities this semester. That is why we need your input as to the type of events you would like to see us organize.

For example, we will be sponsoring a one-day softball tournament in early April. This will be a coed activity and the SBA will provide beer, soda and sandwiches. This event was inspired by the suggestion of a third year day student.

We also welcome your comments as to what issues should be raised at the Faculty-Student meetings. At the last meeting, the SBA voiced our concerns about the need for increased security at the school,

and for posting our exam grades at an earlier date. If you have any issues that you believe should be discussed, contact SBA vice-president Paul D'Amilia who is the chairman of the committee.

So give us your suggestions and comments as to what you believe the SBA should be doing. If it can be done, we will do it.

Finally, upcoming SBA events include tickets to a Knick game in late February, former US Attorney Guilani will speak on Thursday, February 23, at 5:00 p.m., tickets to a Yankee and Met game. Also, we have planned TANG's for February 9, March 2, (89 days to graduation), March 15 (post Follies), and early April.

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FORDHAM LAW'S HOOPSTERS READY TO DUPLICATE LAKERS FEAT AS REPEATING CHAMPIONS

BY GORDON A. GOVENS

They're not ready to challenge the Knicks for New York City bragging rights. Hell, they may not be ready to retrieve their basketballs after home game warmups with the way the Knicks are playing this year, but Fordham Law's entry in New York lawyers basketball league may be ready to repeat as champions of the largest lawyers league in the country. But they'll have to get past some stiff competition.

This year the team is off to a fast start with six wins and one loss. The wins include victories over all of New York area law schools, by large margins, and the loss to the law firm of Brown, Krenick, (whoever they are). Only Columbia has not fallen to these merciless men, and that's only because they don't have a team in the league. If Fordham does not yet have bragging rights over the Knicks, at least they do have them over their fellow law schools. To some that may not seem good enough, however Fordham has to reckon with some talented teams in their conference before they can claim the same braggadocio over teams other than lowly law school teams such as Cordozo. Fordham plays in the open division, the most competitive of the five divisions in the league. The champion of this division is considered the champion of the entire league because the open division teams tend to have better players than those teams sponsored by the law firms.

The lawyer profession doesn't usually contain the

greatest athletes. In fact lawyers probably rank right above accountants in athletic ability. The only difference is that lawyers don't wear black socks.

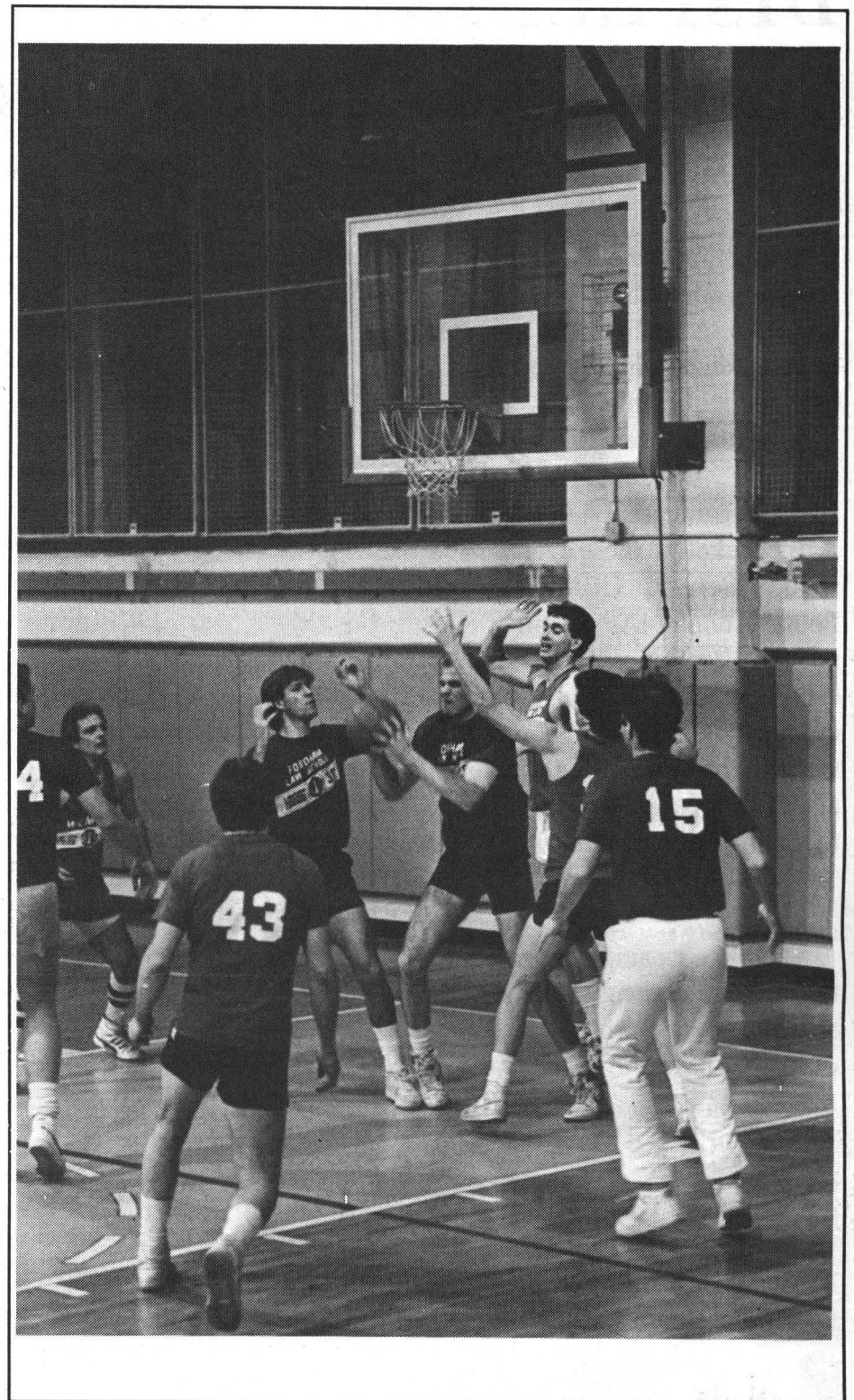
The open division is the best division. These teams have a more diverse pool of players to pick from than the law firm sponsored divisions.

For instance, one of the toughest teams in the league this year is "Piepers Players."

Yes sponsored by that "other" bar review course, is composed of those graduated students of last year's Fordham championship team. Those of you who like to tie one on at places other than TANG, may know that Emerald Inn is a popular bar in the area. Well, another obstacle for Fordham will be this bar's team. The Emerald Inn which has two players who were All-Americans in college and later drafted by NBA teams. One of those players is 6'10", but don't worry Fordham has the weapons to deal with such teams starting with their man in the middle.

Every successful team must start with a big man in the middle to win a championship. The '67-'68 Sixers had Chamberlin, the Celtics had Russell, the Lakers had Abdul-Jabbar; and then there is Pagano. Fordham's team is anchored in the middle 6'7" Ed "Too Tall" Pagano, a professional wrestler who only played basketball at barbecues and beer leagues until he decided to bring some respectability to his life, leave his adoring fans, and enter Fordham law school to become a litigator and play for the lawyer's league team.

Ed is a returning center from last year's team that won the championship and will also be around



ED "TOO TALL" PAGANO PULLS DOWN A TOUGH REBOUND IN TRAFFIC AND LOOKS TO START THE FAST BREAK.

next year to again anchor the team. Other returning players are seniors Jack Kiley, who gave up a promising career as a fry cook at a top four star New York diner to attend law school; Mark McEnroe former editor in chief of Mad Magazine who now runs the Advocate; and Steve Kuhn, whose stint with Chippendales before coming to law school is legendary. Rounding out the senoir list is Larry

James who, as you may recall, was the only male spokesmodel to ever win Star Search. The newest members of this motley crew are Ed Haye, Gordon Govens, Mike Murray, Dan Ratner, and the team's other big man, Dan Griffin, who are all valuable additions to an already distinguished and athletic group.

Although with a group of guys like these its difficult to see how

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DISPELLING THE MYTH: Law Students and Public Interest

By Sue Schechter

Last fall, the National Association for Public Interest Law (NAPIL), a coalition of law student organizations devoted to promoting public interest work, organized three events in Washington, D.C. that brought together students from around the country. At the kickoff of these events—the Public Service Challenge, the Fourth Annual NAPIL Conference and the First National Public Interest Law Career Fair—students demonstrated that they are ready, willing, and more than able to forge ahead in providing legal services to the underrepresented.

On their campuses, many of these law students run income sharing groups, which raise over one half million dollars annually to fund students and recent graduates working in the public interest. This past summer over 300 summer projects were funded by NAPIL's 40 member groups, including the Fordham Student Sponsored Fellowship program.

At the event, NAPIL announced the Public Service Challenge, a joint project of law firms and income sharing groups designed to raise over one million dollars for public service grants in 1989. According to Michael Caudell-Feagan, the Executive Director of NAPIL, "Despite our success, student-run income sharing groups are unable to meet the growing demand for funding from students and public interest organizations. The Public Service Challenge is designed to create new opportunities by providing a way for firms to reach into the law schools and demonstrate their

commitment to public service." Four law firms—Arnold & Porter, Beveridge & Diamond, Kutak, Rock, & Campbell, and Sullivan & Cromwell—joined the students in launching the campaign. All of the money raised will be distributed to the local income sharing groups to allocate according to their established funding mechanisms.

In order to train law students establishing new income sharing programs, as well as students who are advocating for loan forgiveness programs and public interest placement resources, NAPIL held its fourth Annual Conference, Advancing Justice in America: The Law Student Challenge. There were over 200 representatives from approximately 70 law schools. Myra Nakelsky, a student at UC-Hastings Law School in San Francisco, said, "The Conference provided a great opportunity to network with other law schools and share energy and ideas. It is so exciting to learn what is going on all over the country and that I am not alone in trying to get my law school to devote resources to public interest law."

In conjunction with the conference, NAPIL co-sponsored the First National Public Interest Law Career Fair with the National Association for Law Placement and over 70 law schools. The event drew 600 law students and recent graduates and gave them the chance to discuss career planning and potential employment positions with over 75 public interest and government employers.

While these events are only the beginning, the support, encouragement and feedback have all been inspiring. All three events were tremendously successful and one can only hope for bigger and better events next October.

Further information is available from NAPIL at 215 Pennsylvania Avenue, SE, Washington, D.C. 20003.

Basketball cont.

Continued from page 7

they cannot repeat, they need your help. When you see them, pat them on the back, kiss them on the lips, kick them in the pants, but do something to show them that you are proud of them and that you support the team. After all they are playing for the honor of Fordham Law School and, who knows, after winning the championship of New York's Lawyers league, they may be ready to at least challenge the team in New Jersey for bragging rights; or maybe the one in Miami.

THE ADVOCATE NEEDS STAFF AND EDITORIAL BOARD MEMBERS FOR THE REST OF THIS YEAR AND FOR NEXT YEAR. THIS YEAR'S EDITORIAL BOARD ARE MEMBERS OF THE CLASS OF 1989, SO ALL POSITIONS FOR 1989-90 ARE AVAILABLE. ANYONE WITH AN INTEREST IN JOINING THE STAFF, OR JUST CONTRIBUTING ARTICLES ARE ASKED TO STOP BY THE ADVOCATE OFFICE ROOM 17 OR CALL 212-841-5176.

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Vermont Law School's nationally known Environmental Law Center has announced a dramatically expanded summer school program (June 5-August 4) for summer 1989 with four new major courses for law students from the nation's top law schools.

VLS Dean Douglas M. Costle, former administrator of the U.S. Environmental Protection Agency, announced a new "Environment and Technology" program, headed by author and former EPA attorney Sheldon Novick. The new program will include courses in the law governing Risk Assessment, Toxics and Hazardous Substances, Biotechnology and Superfund.

Environmental Law Center Director Richard Brooks announced the initiation of a unique second cluster of environmental courses in Environmental Law, International Environmental Law, Coastal Zone Management, Forest and Wildlife and Land Use Administration.

A third cluster of courses has been designed for environmental practitioners. These courses include the Environmental Law of Real Estate Development, Toxic Torts, Environmental Management and Environmental Litigation.

John McCrory, Professor of Law and an experienced mediator, oversees the fourth cluster of courses in Alternative Dispute Resolution: Mediation, Negotiation, Arbitration, and Environmental Alternative Dispute Resolution.

The center's faculty is drawn

from nationally environmental lawyers, environmental managers, and legal scholars. Law students in good standing at an accredited law schools are invited to take the course as part of a two-summer, 30-credit Masters in the Study of Law program with one summer devoted to course work and the second summer devoted to internship environmental law practice in EPA, the U.S. Justice Department, State Attorney General offices, and other environmental law settings.

For further information, contact: Leslie Staudinger, Environmental Law Center, Vermont Law School, P.O. Box 96, South Royalton, VT 05068; phone (802) 763-8303 in Vermont, 800-227-1395 outside Vermont.

LSCRRC SUMMER INTERNSHIPS

The Charles Revson Foundation and the Law Students Civil Rights Research Council (LSCRRC) have announced the availability of summer internships for law students interested in working in public interest positions. Stipends of \$3000.00 are available for first year and second year law students attending law school in the New York metropolitan area who have secured volunteer summer placements with public interest organizations in the New York area.

The 1989 LSCRRC Summer Internship Program is being administered by the Root-Tilden-

Snow Program at New York University School of Law. Up to 50 grants will be made to students working full time for eight or ten weeks during the summer of 1989. Applications and more detailed guidelines have been forwarded to both the dean's office and the placement office of your school. LSCRRC encourages all interested students to apply. The deadline for applications is Wednesday March 15, 1989. Awards will be announced by Friday, April 7, 1989.



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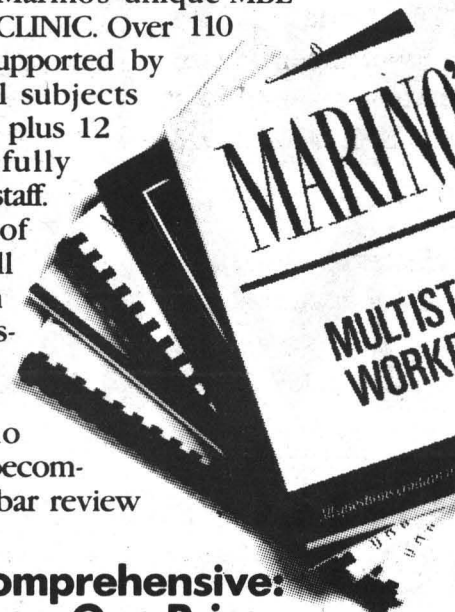
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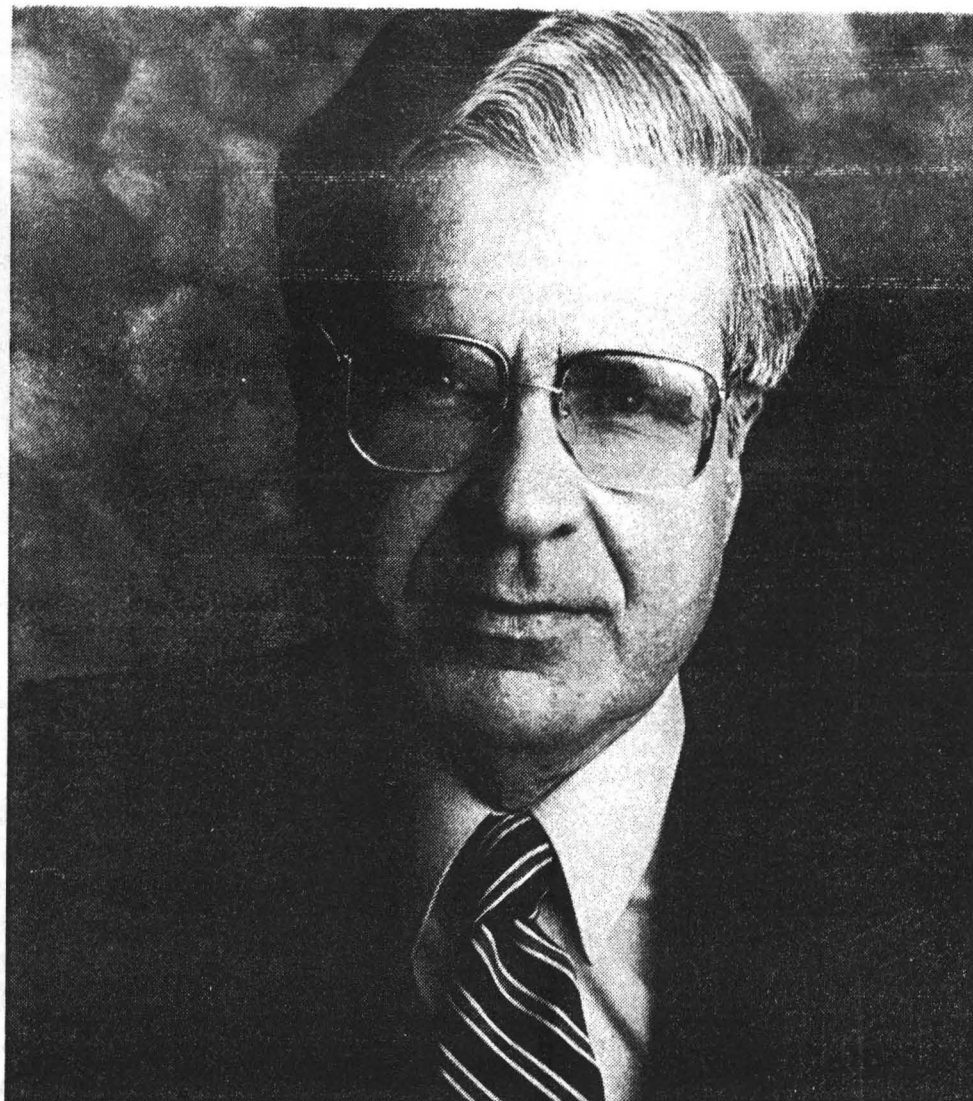
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